

### **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

#### **Request for Corrected Filing Receipt**

Initially, Applicants request that a Corrected Filing Receipt be issued for the above-identified application. On April 24, 2007, Applicants filed a Renewed Fourth Request for Corrected Filing Receipt. (A copy of this filing and the attached papers is enclosed herewith.) However, Applicants have not received another Corrected Filing Receipt, and the PTO database still indicates July 25, 2005 as the filing date of this application, as evident by the date at the top of the current Office Action. **Applicants respectfully request that the filing date of the above-identified application be changed to April 5, 2005, which is the date the executed Declaration and Power of Attorney was filed with the PTO.**

#### **Specification Amendments**

The specification has been make a typographical change on page 54, and to replace the Japanese characters in Table 1 (page 85) and Table 2 (page 91) with the English language translations. These translations were previously presented in a key at the bottom of the Table. Accordingly, the keys have now been deleted.

No new matter has been added to the application by these amendments.

#### **Claim Amendments**

The phrase “hydrogen, alkyl having a carbon atom number of 1 to 40 in which optional hydrogens may be substituted with fluorine and in which optional -CH<sub>2</sub>- may be substituted with -O-, -CH=CH-, cycloalkylene or cycloalkenylene, substituted or non-substituted aryl and arylalkyl constituted from a substituted or non-substituted aryl group and an alkylene group in which optional hydrogens may be substituted with fluorine and in which optional -CH<sub>2</sub>- may be substituted with -O- or -CH=CH-” in claim 1 has been amended to recite “the group consisting of 2-fluoroethyl, 2,2-difluoroethyl, 3,3,3-trifluoropropyl, hexafluoropropyl, nonafluoro-1,1,2,2-tetrahydrohexyl, tridecafluoro-1,1,

2,2-tetrahydrooctyl, heptafluoro-1,1,2,2-tetrahydrodecyl, perfluoro-1H,1H,2H,2H-dodecyl and perfluoro-1H,1H,2H,2H-tetradecyl.” Support for this amendment can be found on page 57, lines 13 to 20 of Applicants’ specification.

Claims 2 and 3 have been amended to delete language which is set forth in claim 1, from which both claims 2 and 3 depend. This is merely an editorial change.

The phrase “the same group selected from phenyl and” in claims 11, 14, 17 and 20 has been deleted.

The phrase “selected from ethyl, 3,3,3-trifluoropropyl, 2-methylpropyl, 2,4,4-trimethylpentyl, tridecafluoro-1,1,2,2-tetrahydrooctyl, cyclopentyl, cyclohexyl and phenyl” in claims 13, 16 and 19 has been amended to read “selected from the group consisting of 3,3,3-trifluoropropyl and tridecafluoro-1,1,2,2-tetrahydrooctyl.”

A typographical error in claim 20 has been corrected.

Claims 4-10, 12, 15 and 18 have been cancelled, without prejudice.

Thus, no new matter has been added to the application by the above amendments.

### **Patentability Arguments**

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

### **Rejection Under 35 U.S.C. § 102(e)**

The rejection of claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Lichtenhan (U.S. 20003/0055193) as evidenced by Matyjaszewski et al. (U.S. 6,162,882) is respectfully traversed.

Lichtenhan teaches a polysilsesquioxane with the same skeleton as that of the presently claimed invention, but having Si bonded R groups that are hydrogen atoms, cyclic or linear aliphatic or aromatic groups that may contain reactive functionalities such as alcohols, esters, amines, ketones, olefins, ethers or halides. Please see paragraphs [0035] and [0010] of the reference.

However, Lichtenhan fails to disclose a polysilsesquioxane having Si bonded R<sup>1</sup> groups selected from the group consisting of consisting of 2-fluoroethyl, 2,2-

difluoroethyl, 3,3,3-trifluoropropyl, hexafluoropropyl, nonafluoro-1,1,2,2-tetrahydrohexyl, tridecafluoro-1,1,2,2-tetrahydrooctyl, heptadecafluoro-1,1,2,2-tetrahydrodecyl, perfluoro-1H,1H,2H,2H-dodecyl and perfluoro-1H,1H,2H,2H-tetradecyl as recited in Applicants' amended independent claim 1.

Therefore, the subject matter of independent claim 1, as well as dependent claim 2, is clearly patentable over the cited reference.

**Rejection Under 35 U.S.C. § 103(a)**

The rejection of claims 3-20 under 35 U.S.C. § 103(a) as being unpatentable over Lichtenhan in view of Matyjaszewski et al. is respectfully traversed.

Matyjaszewski et al. disclose initiators for the atom or group transfer radical polymerization, however Lichtenhan is silent with respect to the initiators. Thus, there is no new motivation to combine the teachings of Lichtenhan with Matyjaszewski et al.

Additionally, as discussed above, Lichtenhan fails to teach or suggest a polysilsesquioxane having Si bonded R<sup>1</sup> groups selected from the group consisting of 2-fluoroethyl, 2,2-difluoroethyl, 3,3,3-trifluoropropyl, hexafluoropropyl, nonafluoro-1,1,2,2-tetrahydrohexyl, tridecafluoro-1,1,2,2-tetrahydrooctyl, heptadecafluoro-1,1,2,2-tetrahydrodecyl, perfluoro-1H,1H,2H,2H-dodecyl and perfluoro-1H,1H,2H,2H-tetradecyl as recited in Applicants' amended independent claim 1. Dependent claims 3, 11, 13, 14, 16, 17, 19 and 20 also require this particular limitation, and thus are patentable over Lichtenhan for the same reasons claim 1 is patentable over the reference. Matyjaszewski et al. fails to remedy the deficiency of the primary reference.

Furthermore, the polysilsesquioxane recited in Applicants' claim 3 exhibits an excellent living radical polymerization initiating ability, i.e. unexpected results, as exemplified in Examples 109-114 of Applicants' specification.

Therefore, the subject matter of claims 3, 11, 13, 14, 16, 17, 19 and 20 is clearly patentable over the cited references.

**Conclusion**

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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